

FY04 SALARY RESOLUTION
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RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO
ESTABLISHING RULES FOR THE APPLICATION OF CITY
EMPLOYEE COMPENSATION RATES AND SCHEDULES AND
RELATED REQUIREMENTS, AND ESTABLISHING
COMPENSATION RATES AND SCHEDULES

RESOLVED, by the Council of the City of Fresno, as follows:

SECTION 1. - SPECIAL PROVISIONS APPLICABLE TO ALL CLASSES

The rules set forth in this resolution constitute special provisions applicable to all classes of employment in the City service; provided, however, that if any provision of a Memorandum of Understanding adopted and approved by the Council under Article 19, Chapter 2 of the Fresno Municipal Code and currently in effect is clearly and specifically in conflict with any rule contained in this resolution, the provision in such Memorandum of Understanding shall prevail.

SECTION 2. - SALARY STEP PLAN

The step plan of each salary range shall be applied and interpreted as follows for permanent and probationary employees, unless modified by applicable MOU:

- A. The first step shall be the minimum rate and shall normally be the hiring rate for the class. In a case where it is difficult to secure a qualified person or if a person of unusual qualifications is engaged, the City Manager, after receiving the recommendation of the Director of Personnel Services, may approve appointment above the first step.
- B. The second step shall be paid upon the completion of six months of paid status at the first step.
- C. The third step shall be paid upon completion of one year of paid status at the second step.
- D. The fourth step shall be paid upon completion of one year of paid status at the third step.
- E. The fifth step shall be paid upon completion of one year of paid status at the fourth step.

- F. Unless modified by applicable MOU, raises to the second, third, fourth, and fifth steps shall be automatic unless an unsatisfactory service rating report is made by the appointing authority. Following an unsatisfactory service rating report, a raise may be delayed by the appointing authority for not more than six months and more than six months only with approval of the City Manager. A raise to any step may be made at any time by the City Manager on recommendation of the appointing authority and the Director of Personnel Services whenever an employee exhibits unusual merit. In the case of permanent intermittent employees, 1,040 hours of service shall equal six months of service and 2,080 hours of service shall equal one year of service.
- G.
 - 1. An employee who is selected to fill a reclassified position pursuant to FMC Section 2-1607 (b), or who is promoted from one class to another having a higher salary range, shall be adjusted to the lowest step in the salary range of the new class which is at least three and one-half percent higher than the rate received in the employee's former class. If such an increase would require a payment greater than Step E, then Step E shall be paid.
 - 2. An employee in Exhibit 9 who is appointed to a position in a class having a salary range shall be promoted according to the foregoing provisions to the nearest step, but not exceeding Step E, in the new class range after adding five percent to the employee's salary rate.
- H. When a class is assigned a new salary range, the salary of an employee in such class shall be adjusted to the same relative step in the new salary range, and such adjustment shall not alter the employee's anniversary date.
- I. A permanent employee, filling a position in a higher class on a temporary basis, and who is entitled to the rate of pay for such higher class, shall be paid in the same manner as provided for promotion in Subsection G above.
- J. If an employee is receiving compensation above the fifth step of the range, the employee's present rate shall be continued as an approved additional step rate for the class ("Y-rated"), but no other employee may be adjusted to this rate, and it shall no longer be in effect after the termination of the employment in that class of the incumbent in whose behalf it is authorized.

- K. Step increases shall become effective immediately upon completion of required service. For purposes of this section, any employee who is absent without pay for the number of hours specified below while on any single step in a range shall not be considered to have been on paid status for the number of weeks shown, and advancement to the next step shall be delayed by such number of weeks:

<u>At least</u>	<u>But less than</u>	<u>Weeks delayed</u>
1 hour	40 hours	None
40 hours	120 hours	2
120 hours	200 hours	4
200 hours	280 hours	6
280 hours	360 hours	8
360 hours	440 hours	10

For purposes of this section, leave without pay, in reference to step advancement, shall be adjusted appropriately for 56-hour employees:

<u>At least</u>	<u>But less than</u>	<u>Weeks delayed</u>
1 hour	56 hours	None
56 hours	168 hours	2
168 hours	280 hours	4
280 hours	392 hours	6

The number of additional weeks by which advancement to the next step shall be delayed shall be calculated in the same manner as those respective formulas specified herein. Such delay shall cause a change in the employee's anniversary date, for purposes of future step increases in the class.

- L. In lieu of a Salary Step Plan, an Executive Pay Range Plan for certain classes is set forth in Exhibit 2, attached.

1. For purposes of calculating retirement benefits for any employee retired from one of the classes in the Executive Pay Plan prior to the effective date of the Executive Pay Range Plan, the "E" step for the class shall be equal to the control point as established by these rules and regulations. The D, C, B, and A steps shall be five percent below the respective preceding steps.
2. The salary for each executive employee in the E1, E2, and E3 executive pay ranges and the salary range for each class within such ranges shall be established by the City Manager.

E1	\$5,000 - \$10,700
E2	\$4,000 - \$10,100
E3	\$2,500 - \$ 7,700

The City Manager shall promulgate such rules and regulations deemed appropriate in the implementation and administration of this subsection.

3. For purposes of calculating retirement benefits for any employee in a class in the Executive Pay Plan who has left City service after ten years of service but prior to attaining an age sufficient for service retirement, and who has elected to leave contributions in the retirement system, retirement benefits shall be calculated as follows:

The employee's salary at the time of separation from employment with the City shall be compared to the control point in existence at the time of separation for the class from which the employee is retiring. Retirement benefits (based on monthly salary only) shall be calculated using the same relationship the employee's salary bore to the control point at the time of separation as it would bear to the control point at the time of retirement. As an example only, if an employee's salary at the time of separation was five percent below the control point for the class, then the benefit at retirement would be based on that amount which would be five percent below the control point for that class at the time of retirement, subject to the applicable provisions of the retirement system regarding years of service, compensation earnable, and so on.

- M. After any permanent employee holding a position in Exhibit 2 has completed ten full working days of service in a higher class pursuant to one or more such assignments, the employee shall thereafter be paid at the rate of pay of the higher class while so assigned. An employee who has held permanent status in the higher class prior to such assignment shall not be required to complete the qualifying period of service set forth above and shall be paid for the entire duration of the assignment to the higher class at the rate of pay assigned to such higher class.

Except where provided herein, temporary assignment to perform the duties of absent employees shall be in accordance with Fresno Municipal Code Section 2-1650.

SECTION 3. - MONTHLY RATES OF COMPENSATION

Rates of compensation provided for by a resolution establishing or approving such compensation are fixed on the basis of dollars per month or full-time service in full-time positions unless otherwise clearly indicated.

SECTION 4. - EXEMPT JOB CLASSES

Employees in classes listed in any salary resolution or approved Memorandum of Understanding whose job codes are marked with an asterisk (*) shall not be entitled to payment or compensatory time off for overtime as provided for in the rules and regulations of the Fair Labor Standards Act.

Employees exempt from overtime shall not be subject to deductions for Leave Without Pay in increments of less than a work day or shift. Employees with medical restrictions may be placed on a part-time basis and will receive the pro-rated salary during the time of restriction.

SECTION 5. - WAGES AND OVERTIME FOR TEMPORARY AND PART-TIME EMPLOYEES

Temporary and part-time employees shall be paid on an hourly basis for the hours actually worked, subject to the provisions of Section 4 above and/or the Fair Labor Standards Act which provides for overtime compensation for hours worked in excess of 40 per workweek. Any such employee in a class having a monthly salary rate shall be paid an hourly rate that is converted from the monthly salary for that class.

SECTION 6. - 4/10 WORK SCHEDULE FOR EMPLOYEES IN EXHIBIT 2 - 2.0

A 4/10 work schedule may be implemented in any department, division, or work unit, upon approval of the City Manager.

Each 4/10 work schedule will consist of a total of forty scheduled hours of actual work time per calendar week. The work week begins at 12:01 a.m. Monday and ends at midnight on Sunday.

Employees working a 4/10 work schedule shall have the following exceptions for the holiday benefit apply:

A. Holidays:

1. Employees on a 4/10 work schedule shall receive 12 holidays of eight hours, plus their birthdays of eight hours. An employee who is off on a holiday which is a regular work day shall receive eight hours pay for the holiday and may elect to either take two hours vacation or receive two hours leave without pay.
2. Employees on a 4/10 work schedule who are regularly scheduled to work, and do work, on a holiday which is a regular work day, shall receive eight hours of holiday leave. When a holiday falls on an employee's day off, such employee shall receive eight hours of holiday leave. If an employee in this group is required to and does work on the employee's birthday, or the employee's birthday falls on a holiday or any regular day off, eight hours shall be credited to the employee's holiday leave balance on the first pay period following the employee's birthday.

B. For employees participating in the Annual Leave Plan, the following rules shall apply:

1. Employees shall accumulate the same number of hours of annual leave per month as under a 5/8 plan. Annual leave will be granted for the actual number of hours absent.

- C. For employees not participating in the Annual Leave Plan, the following rules shall apply:
1. Sick Leave: Employees shall accumulate eight hours sick leave per month, and receive sick leave pay for the actual number of hours absent.
 2. Vacation: Employees on a 4/10 plan shall accumulate the same number of hours vacation per month as under a 5/8 plan. Vacation leave will be granted for the actual number of hours absent.

SECTION 7. - FLEXIBLE STAFFING

An employee holding a permanent appointment in a position in any class in a group of classes designated as flexibly staffed may be appointed to a higher class in that group, provided that the employee meets the minimum requirements and the department head recommends such appointment. Such appointments may be made without regard to the number of positions listed for that class in the position schedule of the current budget, provided that the number of employees assigned to all classes in the group is authorized in the position schedule of the budget.

SECTION 8. - ADMINISTRATIVE LEAVE

- A. Employees permanently appointed to positions in classes which are included in Exhibit 2, Sections 2.0, 2.3, 2.4, and 2.5, who are not entitled to payment for, or equivalent compensatory time off for overtime work (as described in Section 4.), shall be granted 48 hours administrative leave, per year, or as may be provided below. A balance of 48 hours shall be credited to each such employee as of the first day in July of each fiscal year. Upon their employment by the City, new employees appointed in such positions shall be credited with four hours of administrative leave for each full calendar month remaining in such appointment in the fiscal year. Employees provisionally appointed to such positions shall receive four hours of administrative leave for each full month of such provisional appointment.

Administrative leave not taken during the fiscal year in which it is credited shall not be added to the leave credited in the next fiscal year, but an employee may receive payment during the fiscal year for any administrative leave not taken, subject to rules established by the City Manager.

Such leave shall be scheduled at the convenience of the department. Approval by the City Manager must be obtained before an appointing authority may take such leave.

- B. An appointing authority, with the approval of the City Manager, may grant up to an additional thirty-two (32) hours administrative leave each fiscal year to exempt employees based on annual job performance. The determination by the department director to grant the additional administrative leave shall be made at the time the annual performance evaluation is completed, and credited to the employee on the anniversary date. Any such additional administrative leave must be used within the calendar year following the anniversary date upon which it was credited and cannot be cashed in by employees.

SECTION 9. - SICK LEAVE USAGE AND COMPENSATION

- A. Employees holding a permanent appointment in a class included in Exhibit 2, Section 2.0 who are not participating in the annual leave plan shall, at service retirement, be compensated for their unused sick leave balance in the following manner: The number of hours of accumulated sick leave in excess of 1,200 shall be multiplied by the ratio of the number of hours of sick leave accumulated but not used in the 24 month period prior to retirement divided by the number of hours of sick leave accumulated in that same period, which resulting number of hours shall be compensated at \$2.00 for each hour.
- B. Employees holding a permanent appointment in a class included in Exhibit 2, who are not participating in the annual leave plan shall be allowed to use up to 48 hours of accumulated sick leave per fiscal year for Family Sick Leave. The purpose of this benefit is to allow employees time to care for members of their immediate family (as defined by the Fresno Municipal Code and California Labor Code Section 233). Family Sick Leave may be used to actually care for or arrange for the care of family members who are ill and cannot care for themselves, or to take family members to routine medical or dental appointments. Employees are encouraged to schedule routine medical and/or dental appointments outside of regular work hours when possible. Use of Family Sick Leave shall be authorized and recorded by an appointing authority or designee.

SECTION 10. - ANNUAL LEAVE FOR EMPLOYEES IN EXHIBIT 2 - 2.0

- A. This section applies to eligible employees hired on and after July 1, 2000 and those hired prior to July 1, 2000 who elected to participate in Annual Leave. Eligible employees who elected not to participate in Annual Leave shall continue to accrue Sick Leave, as provided in Fresno Municipal Code Section 2-1508, and Vacation Leave, as provided in Section 19, Subsection B of this Salary Resolution.

- B. For employees on a 40 hour work schedule, the annual leave plan shall be as follows:
1. Annual Leave Accrual - Vacation leave and sick leave will no longer be accumulated as provided in the FMC, but as detailed below. Except for Administrative Order 2-20 (Sick Leave Policy) and any other exceptions noted herein, all other provisions of the FMC, City administrative orders, policies, procedures, rules and regulations concerning leave administration will continue to apply.
 - a. Less than Ten Years - For such employees who have been continuously employed by the City for less than 10 years, the annual leave accrual rate will be 15.5 hours for each completed calendar month of employment. In the event the City agrees to a higher annual leave accrual rate for members of recognized labor organizations who participate in the City of Fresno Employees' Retirement System, the City will increase the annual leave accrual rate to the same level for Non-Represented Management & Confidential employees.
 - b. More than Ten Years - For such employees who have been continuously employed by the City for 10 years or more, the annual leave accrual rate will be 18.83 hours for each completed calendar month of employment. In the event the City agrees to a higher annual leave accrual rate for members of recognized labor organizations who participate in the City of Fresno Employees' Retirement System, the City will increase the annual leave accrual rate to the same level for Non-Represented Management & Confidential employees.
 - c. Annual Leave Accumulation Limit - The accumulation of unused annual leave will not exceed 1,000 hours. No extension to the annual leave accumulation limit will be allowed.
 - d. Use of Annual Leave - Annual leave requests will be administered in accordance with existing FMC provisions, City administrative orders, policies, procedures, rules and regulations.
 - e. Unused Annual Leave Pay Out - Upon separation from City service, an employee will be compensated for all unused annual leave balances at his or her applicable base rate of pay. Compensation received under this provision will not be considered pensionable for retirement purposes.

- f. Transfer - An employee transferring to a position in a bargaining group which is not covered by annual leave may either cash out his or her unused annual leave balance at his or her applicable base rate of pay, or have the unused annual leave balance converted to a non-accruing annual leave balance of hours. The conversion is obtained by multiplying unused annual leave hours by the applicable Non-Represented Management & Confidential class' base rate of pay (converted to an hourly figure), dividing the product by the transfer class' base rate of pay (converted to an hourly figure), and placing the resulting balance for leave usage as requested and designated by the employee.

Upon separation from City service, the employee who transferred to a position outside the Non-Represented Management & Confidential Group will be compensated for all unused annual leave hours at his or her applicable base rate of pay. Compensation received under this provision will not be considered pensionable for retirement purposes.

Conversion example:

$$\frac{100 \text{ unused hrs} \times \$15.00 \text{ (Non-Rep base rate)}}{\$20.00 \text{ (Transfer class base rate)}} = 75 \text{ hrs placed in non-accruing annual leave balance account}$$

2. Vacation Leave Balances Unused - Effective July 1, 2000 all employees occupying Non-Represented Management & Confidential classes who are employed in permanent positions, and who elect to participate, will have their unused vacation leave balances transferred into their annual leave account.
3. Sick Leave Balances Unused - Effective July 1, 2000 all employees occupying Non-Represented Management & Confidential classes who are employed in permanent positions, and who elect to participate, will have their unused sick leave balances frozen.
- a. Use of Frozen Sick Leave - Except for usage permitted by California Labor Code Section 233 (Sick Leave; Use to Attend to Illness in Family), frozen sick leave balances may only be used by the employee for a medically verified extended illness over 24 consecutive work hours. Employees will use annual leave to cover the first 24 consecutive work hours for each medically verified extended illness situation prior to using frozen sick leave balances.

- b. Unused Frozen Sick Leave Pay Out - At service retirement, employees will be compensated for only those unused, frozen, sick leave balances in excess of 1,200 hours at \$2.00 per hour. Compensation received under this provision will not be considered pensionable for retirement purposes.
 - 4. Pensionability - Compensation payable under the annual leave program will not be considered pensionable for retirement purposes.
- C. For employees on a 56 hour work schedule, the annual leave plan shall be as follows:
- 1. Annual Leave Accrual - Vacation leave and sick leave will no longer be accumulated as provided in the FMC, but as detailed below. Except for Administrative Order 2-20 (Sick Leave Policy) and any other exceptions noted herein, all other provisions of the FMC, City administrative orders, policies, procedures, rules and regulations concerning leave administration will continue to apply.
 - a. Less than Ten Years - For such employees who have been continuously employed by the City for less than 10 years, the annual leave accrual rate will be 23.25 hours for each completed calendar month of employment. In the event the City agrees to a higher annual leave accrual rate for members of recognized labor organizations who are on a 56-hour work schedule and participate in the City of Fresno Fire and Police Retirement System, the City will increase the annual leave accrual rate to the same level for Non-Represented Management & Confidential employees on a 56-hour work schedule.
 - b. More than Ten Years - For such employees who have been continuously employed by the City for 10 years or more, the annual leave accrual rate will be 28.25 hours for each completed calendar month of employment. In the event the City agrees to a higher annual leave accrual rate for members of recognized labor organizations who are on a 56-hour work schedule and participate in the City of Fresno Fire and Police Retirement System, the City will increase the annual leave accrual rate to the same level for Non-Represented Management & Confidential employees on a 56-hour work schedule.
 - c. Annual Leave Accumulation Limit - The accumulation of unused annual leave will not exceed 1,200 hours. No extension to the annual leave accumulation limit will be allowed.

- d. Use of Annual Leave - Annual leave requests will be administered in accordance with existing FMC provisions, City administrative orders, policies, procedures, rules and regulations.
- e. Unused Annual Leave Pay Out - Upon separation from City service, an employee will be compensated for all unused annual leave balances at his or her applicable 56-hour base rate of pay. Compensation received under this provision will not be considered pensionable for retirement purposes.
- f. Transfer - An employee transferring to a position in a bargaining group which is not covered by annual leave may either cash out his or her unused annual leave balance at his or her applicable 56-hour base rate of pay, or have the unused annual leave balance converted to a non-accruing annual leave balance of hours. The conversion is obtained by multiplying unused annual leave hours by the applicable Non-Represented Management & Confidential class' 56-hour base rate of pay (converted to an hourly figure), dividing the product by the transfer class' base rate of pay (converted to an hourly figure), and placing the resulting balance for leave usage as requested and designated by the employee. Upon separation from City service, the employee who transferred to a position outside the Non-Represented Management & Confidential Group will be compensated for all unused annual leave hours at his or her applicable base rate of pay. Compensation received under this provision will not be considered pensionable for retirement purposes.

Conversion example:

$$\frac{100 \text{ unused hrs} \times \$15.00 \text{ (Non-Rep 56-hour base rate)}}{\$20.00 \text{ (Transfer class base rate)}} = 75 \text{ hrs placed in non-accruing annual leave balance account}$$

- 2. Vacation Leave Balances Unused - Effective July 1, 2000 all employees occupying Non-Represented Management & Confidential classes on a 56-hour work schedule who are employed in permanent positions, and who elect to participate, will have their unused vacation leave balances transferred into their annual leave account.

3. Sick Leave Balances Unused - Effective July 1, 2000 all employees occupying Non-Represented Management & Confidential classes on a 56-hour work schedule, who are employed in permanent positions, and who elect to participate, will have their unused sick leave balances frozen.
 - a. Use of Frozen Sick Leave - Except for usage permitted by California Labor Code Section 233 (Sick Leave; Use to Attend to Illness in Family), frozen sick leave balances may only be used by the employee for a medically verified extended illness over 40 consecutive work hours. Employees will use annual leave to cover the first 40 consecutive work hours for each medically verified extended illness situation prior to using frozen sick leave balances.
 - b. Unused Frozen Sick Leave Pay Out - At service retirement, employees will be compensated for only those unused, frozen, sick leave balances in excess of 2,000 hours at \$2.00 per hour. Compensation received under this provision will not be considered pensionable for retirement purposes.
4. Pensionability - Compensation payable under the annual leave program will not be considered pensionable for retirement purposes.

SECTION 11. - HOLIDAYS FOR EMPLOYEES IN EXHIBIT 2

- A. The Police Chief shall accumulate 1.0833 days of holiday leave for each completed calendar month of employment.
- B. Except for the employee in the class for whom holiday accumulation is provided in Subsection A, all employees in classes or positions listed in Exhibit 2, Section 2.0, of this Salary Resolution shall be entitled to the holidays listed in Fresno Municipal Code Section 2-1513 except that, in lieu of February 12 (Lincoln's Birthday) and September 9 (Admissions Day), such employees shall accrue eight hours holiday leave on January 1 and eight hours holiday leave on July 1 of each calendar year. Employees may request payment and be compensated for up to 48 hours or 25 percent of their holiday leave balance, whichever is greater, each fiscal year, and for any balances upon separation from City service.
- C. Any employee in Exhibit 2, Section 2.0, of this Salary Resolution who is exempt from the payment of overtime and who is otherwise eligible to receive such accumulation, who is required to work a regularly scheduled shift on a holiday shall have eight hours added to his or her holiday balance on the first day of the pay period following the date of such work. When a holiday falls on Saturday (or is celebrated on the employee's day off if the employee does not work a Monday through Friday schedule), such employee shall receive eight hours holiday leave. If such employee is required to and does work on his or her birthday, or his or her birthday falls on a holiday or any regular day off, eight hours shall be credited to the

employee's holiday leave balance on the first day of the pay period following his or her birthday. Holiday leave accumulation pursuant to this provision shall be in lieu of vacation accumulation previously provided for.

SECTION 11.5 - SUPPLEMENTAL SICK LEAVE FOR EMPLOYEES IN EXHIBIT 2-2.0

Non-Represented management employees in an active status on the adoption date of this amendment, shall be credited with forty (40) hours of supplemental sick leave, retroactive to July 1, 2003. Until such time as revoked by the City, each July 1, Non-Represented management employees in positions/classification set forth in Exhibit 2-2.0 will receive 40 such leave hours. Upon their employment by the City, new employees appointed to such positions shall be credited with a pro-rated number of hours for each full calendar month remaining on such appointment in the fiscal year. Employees in a Non-Represented management status may utilize the hours: (1) once regular sick or annual leave has been exhausted; (2) as service credit on an hour-per-hour basis upon retirement; (3) to be cashed out at retirement or separation from the City; or (4) may be used in the performance of community activities during the course of the employee's normal work day, with the appropriate approval.

SECTION 12. - RATES OF COMPENSATION

The various classes of employment in the City service listed in the following designated exhibits (each of which is hereby incorporated herein, and made a part hereof, as if fully set forth herein) shall be compensated at the rates set forth therein opposite each class title:

- EXHIBIT 1 - Non-Supervisory Blue Collar
- EXHIBIT 2 - Management and Confidential Classes
 - Section 2.0 - Non-Represented
 - Section 2.1 - Police Management
 - Section 2.2 - Fire Management
 - Section 2.3 - Management Confidential
 - Section 2.4 - Management Non-Confidential
 - Section 2.5 - Non-Management Confidential
- EXHIBIT 3 - Non-Supervisory White Collar
- EXHIBIT 4 - Police Non-Management
- EXHIBIT 5 - Fire Non-Management
- EXHIBIT 6 - Transit
- EXHIBIT 7 - Non-Represented
- EXHIBIT 8 - Non-Supervisory Airport Public Safety
- EXHIBIT 9 - Non-Supervisory Groups and Crafts

SECTION 13. - STIPENDS FOR BOARD AND COMMISSION MEMBERS

Members of the Civil Service Board (156015) shall be paid \$25.00 per Board meeting.

Members of the Housing and Community Development Commission (156005), and Human Relations Commission (156025), shall be paid \$25.00 per Commission meeting, not to exceed 24 meetings per fiscal year.

Members of the Planning Commission (156001) shall be paid \$50.00 per Commission meeting, not to exceed 24 meetings per fiscal year.

Members of the Retirement Boards who are non-City employees (156030) shall be paid \$100 per Board meeting, not to exceed \$300 per month.

Members of the above boards and commissions will be paid only for meetings actually attended.

SECTION 14. - DEGREE AND CERTIFICATE PAY

The following rules prescribe the payment of additional pay because of the acquisition of a degree, certificate, or similar qualification.

- A. Each employee who holds a permanent appointment to a position in the classes of Principal Internal Auditor or Internal Auditor who has been licensed as a Certified Public Accountant by the State of California or as a Certified Internal Auditor by the Institute of Internal Auditors, shall be paid an additional five percent of base pay.

SECTION 15. - ASSIGNMENT PAY

The following rules prescribe payment of additional pay for assignment to and performance of certain duties. The pay shall be prorated for time so assigned and worked.

An employee who has been assigned by the employee's appointing authority to provide technical support on microcomputer, minicomputer, and/or local area network systems (excluding word processing systems) within the department shall receive premium pay, as provided below, for such assignment, provided that all of the following conditions are met:

1. The appointing authority certifies in writing that these duties and responsibilities cannot be appropriately assigned to any other position existing within the department, or the Information Services Department;
2. Only one employee per department may be so designated (exceptions may be considered on a case by case basis when geographical location and/or type of system require);
3. These duties and responsibilities are not contained within the employee's permanent class specification, nor in the specification of any "acting," provisional, or interim appointment;
4. The duties and responsibilities have accrued to the employee during the two or more years immediately preceding the designation;
5. The duties are necessary to maintain software, hardware and related components required by the department's automated operational systems. Word processing systems and applications software are excluded;
6. The duties must include Initial Program Load or "Boot" functions, performing or routing backups, servicing printers, daily batch and system start and stop functions. Some programming may be required;

7. The assignment shall be on-going and must constitute at least 20 percent of the employee's duties.

The premium pay for such assignment is \$250 per month prorated on a pay period by pay period basis; however, the employee's combined monthly salary, including any "acting," provisional, or interim pay, plus premium pay shall not exceed Step E of the salary range for Network Systems Specialist.

SECTION 16. - SHIFT DIFFERENTIAL PAY

Unless modified by applicable MOU, each employee not represented by a recognized employee organization who is required to work a night shift where at least four or more hours worked occur after 5:00 p.m. and before 8:00 a.m., shall be paid an additional \$1.00 for each shift so worked.

SECTION 17. - SPLIT SHIFT PAY

Each employee who holds a permanent appointment to a position in a class listed in an exhibit attached to this resolution, except any member of a class marked with an asterisk, a Bus Driver, or a uniformed member of the Fire or Police Department, who is required to work a split shift in excess of nine hours, shall be paid \$1.00 for each shift so worked.

SECTION 18. - BENEFITS FOR PERMANENT EMPLOYEES IN EXHIBIT 7 AND PERMANENT PART-TIME AND PERMANENT INTERMITTENT EMPLOYEES

A. Benefits for the Academy Trainee shall be as follows:

1. The City shall contribute a sum equivalent to that provided to Management and Confidential employees to the Fresno City Health and Welfare Trust for the purpose of purchasing benefits.
2. Workers' Compensation Benefits shall be those amounts established by Workers' Compensation regulations.
3. All other benefits shall be in accordance with the Fresno Municipal Code as it applies to sworn Police Officers except the Academy Trainee shall not be included in the Fire and Police Retirement System or Fresno City Employees' Retirement System unless said employee has permanent City status in which case he or she shall remain in said Retirement System.

B. Benefits for the Police Cadet series shall be as follows:

1. Police Cadet is a training series and is designed to ultimately lead to appointment to a permanent position in the Police Department. Failure to successfully complete the on-going training program will be cause for

termination. While in the series, incumbents will not achieve permanent status within the classified service, as defined in Fresno Municipal Code Section 2-1601.1(p)(5).

Upon appointment to a permanent position, time served as a Police Cadet I and II shall not be included in calculating an employee's period of continuous service for the purposes of seniority, retirement benefits, leave accruals, or other benefits.

2. The City shall contribute a sum equivalent to that provided to Management and Confidential employees to the Fresno City Employees Health and Welfare Trust for the purpose of purchasing benefits.
3. Workers' Compensation Benefits shall be those amounts established by Workers' Compensation regulations.
4. Police Cadets shall be provided with Social Security benefits and shall not be members of the Fresno City Employees' Retirement System as they are employed principally for the purpose of training.
5. Police Cadets shall accumulate four hours sick leave for each completed calendar month of employment.
6. Police Cadets shall accumulate six and two-thirds hours vacation leave for each completed calendar month of employment.
7. Police Cadets shall be entitled to the holidays listed in Fresno Municipal Code Section 2-1513 except that, in lieu of February 12 (Lincoln's Birthday) and September 9 (Admissions Day), such employees shall accrue eight hours holiday leave on January 1 and eight hours holiday leave on July 1 of each calendar year.
8. Actual hours worked in excess of 40 hours a week shall be compensated as overtime. Overtime shall be at one and one-half times the base rate of pay.
9. Police Cadets shall be provided with a uniform allowance equivalent to that provided to Community Services Officers as outlined in the Fresno City Employees Association MOU.

C. Benefits for Permanent Intermittent (PI) and Permanent Part-Time (PPT) employees shall be as follows:

1. Health and Welfare

- a. Permanent Intermittent employees - the City shall contribute \$1.00 per hour of non-overtime pay to the Fresno City Employees Health and Welfare Trust on the condition that the employee contribute to the Health and Welfare Trust the difference between the City contribution to the Trust and the premium amount required by the Trust for the level of benefits provided. If the employee does not agree to make such contribution, then the City shall make no contribution for Health and Welfare. Election to pay such difference shall be made within 15 days of appointment and shall be irrevocable except as provided under (c) below.
- b. Permanent Part-Time employees - the City shall contribute toward the premium required by the Fresno City Employees Health and Welfare Trust, an amount of money on behalf of the employee in proportion to the number of hours scheduled for that position, as reflected in the adopted budget. The City shall make such contribution only on the condition that the employee agrees to contribute to the Fresno City Employees Health and Welfare Trust the difference between such City contribution and the amount required by the Trust for the level of benefits provided. If the employee does not so agree, then the City shall make no contribution for Health and Welfare for such employee. Election to pay such difference shall be made within 15 days of appointment and shall be irrevocable except as provided under (c) below.
- c. An employee who declines to participate in the health plan at employment may elect to participate each year thereafter; however, once participation is elected, and then dropped, the employee will be ineligible to re-enroll. Participation at any time shall be by deduction from the employee's paycheck.

2. Permanent Intermittent employees shall be provided with Social Security benefits and shall not be members of the Fresno City Employees' Retirement System. Until the Retirement Board acts upon the joint recommendation regarding retirement benefits applicable to Permanent Part-Time employees, and any ordinances or resolutions are adopted implementing that action, Permanent Part-Time employees shall not be in the City retirement system and shall be provided with Social Security benefits.

3. Workers' Compensation Benefits for Permanent Intermittent and Permanent Part-Time employees shall be those amounts established by Workers' Compensation regulations.
 4. Permanent Intermittent and Permanent Part-Time employees shall be paid for jury duty attendance and court attendance in accordance with Fresno Municipal Code Sections 2-1511 and 2-1512.
 5. Holidays
 - a. Permanent Intermittent employees shall accumulate holiday leave balance at the rate of eight and two-thirds hours for each 173 hours of non-overtime work.
 - b. Permanent Part-Time employees shall receive paid leave for holidays in proportion to the number of non-overtime hours scheduled for that position, as reflected in the adopted budget.
- D. Benefits for the Chief Police Pilot class shall be as follows:
1. The City shall contribute a sum equivalent to that provided to Management and Confidential employees to the Fresno City Employees Health and Welfare Trust for the purpose of purchasing benefits.
 2. The Chief Police Pilot shall be a member of the Fresno City Employees' Retirement System.
 3. Workers' Compensation benefits shall be those amounts established by Workers' Compensation regulations.
 4. The Chief Police Pilot shall accumulate four hours sick leave for each completed calendar month of employment.
 5. The Chief Police Pilot shall accumulate eight hours vacation leave for each completed calendar month of employment.
 6. The Chief Police Pilot shall accumulate 1.0833 days of holiday leave for each completed calendar month of employment.

SECTION 19. - LEAVE BALANCES

- A. An employee in a class in Exhibit 2 who is not participating in the annual leave plan who is either demoted or transferred to a non-management class as a result of a reduction-in-force, pursuant to the provisions of Fresno Municipal Code Section 2-1671, may use any hours in the employee's Vacation Leave balance that exceed the maximum allowable within one year following the effective date of the bump or transfer, or request a payoff for those hours above the applicable maximum. The employee must either use, or request a pay off, prior to June 30 of the fiscal year in which the hours were credited, of any remaining Administrative Leave balance.

Requests for payoff of excess Vacation Leave hours and/or Administrative Leave must be submitted prior to the effective date of the bump or transfer.

- B. Eligible employees in classes listed in Exhibit 2, Section 2.0 who are not participating in the annual leave plan, shall accumulate vacation leave as provided in Fresno Municipal Code Section 2-1510, except that subsection (h) shall not apply. Said employees who have been continuously employed less than ten years shall be allowed to accumulate unused vacation leave credit of four hundred (400) hours. Said employees who have been continuously employed for ten years or more shall be allowed to accumulate unused vacation leave credit of five hundred (500) hours. All other provisions of Fresno Municipal Code Section 2-1510 shall apply.

SECTION 20. - VOLUNTARY TIME-OFF

Voluntary Time Off is a program by which an employee can voluntarily and temporarily reduce the number of hours worked on a daily, weekly, pay period, or monthly basis. Hours not worked are on a non-paid status. The program is intended to reduce City expenses by allowing employees to take unpaid leave time without being replaced. This program is not intended to increase City costs by offering an advantage to any employee at the City's expense. Participation in the program is subject to the following guidelines:

- A. Participation in this program is not available to the following: Police Department; sworn personnel in the Fire Department; Bus Drivers; and in work units which rely extensively on the use of wages/contract employees to meet on-going operational requirements, as opposed to special or short-term projects.
- B. Participation in the program is **voluntary** on the part of the employee.

- C. The employee must submit a written request to participate in the program to the appointing authority. This request must specify the number of hours per day/week/pay period/month that are proposed to be taken as voluntary time off without pay, as well as the date participation in the program is to begin. The request must also identify the impact upon service delivery that is expected, should the time-off be granted.
- D. The appointing authority, after reviewing the proposed reduced work schedule, may either approve, disapprove, or decrease the number of hours proposed to be taken off depending upon the operating needs of the department. If an appointing authority reduces the number of hours proposed to be taken off, the employee may withdraw the request to participate in the program. The department cannot fill behind an employee working a reduced work week with overtime, temporary help, acting pay (Municipal Code Section 2-1650), or contract extra help, except in emergency situations with City Manager approval.
- E. Voluntary time-off without pay cannot exceed the equivalent of two days per week.
- F. Credits toward Health and Welfare and retirement and leave accruals to which the employee is entitled, shall continue as though the employee were on fully paid status. The employee will contribute to the Retirement System as if the employee were working full-time.
- G. This voluntary time-off without pay program shall:
 - 1. Be available to employees who are otherwise available for the normal performance of their duties;
 - 2. Be available only to employees in permanent full-time positions with permanent status in the assigned class or department;
 - 3. Apply toward time in service for step advancement and toward seniority for purposes of layoff;
 - 4. Be granted without requiring an employee to first use accumulated vacation, compensatory-time-off, or other paid leave time;
 - 5. Not be available to an employee who is otherwise on leave without pay status;
 - 6. Not be available to an employee who is on paid leave which is being exhausted prior to commencing other leave without pay;
 - 7. Be taken on a scheduled basis that is mutually agreed upon by the appointing

authority and the employee;

8. Not be available to any employee who has been counseled under the City Sick Leave Policy and who is currently required to submit a physician's verification.
- H. An employee participating in this program, who is otherwise eligible for overtime, shall be paid at the rate of one and one-half times the employee's regular hourly rate for actual work performed in excess of 40 hours per work week. Work performed in excess of eight hours in a day or on a scheduled day off will be paid at the straight time rate of pay. An employee not eligible for overtime, who is required to work when otherwise scheduled for voluntary time-off, shall be compensated for actual hours worked at the normal rate of pay.
- I. At the completion of six months, the department and the City Manager's Office will review the impact that the voluntary time-off program has had on department operations and the City's financial situation. The City, in its sole discretion, can discontinue or decrease an employee's amount of voluntary time-off, at any time, because of operating needs, or because the City's financial situation no longer requires the program.
- J. The employee may submit a written request to the appointing authority to withdraw from the program at the completion of the initial six months, and at each three month interval thereafter. The request must indicate that the employee is ready and available to return to work full-time effective immediately. Any other request to withdraw from the program must be based upon a financial hardship not created by the program. Withdrawal from the program requires appointing authority approval. In a case where a financial hardship withdrawal is not approved by the appointing authority, the employee may request a review by a committee of three individuals selected as follows: one department appointed representative; one employee appointed representative; and one representative mutually agreed upon by the first two representatives. The findings and recommendation of this committee shall be forwarded to the City Manager. The decision of the City Manager shall be final.
- K. This program is TEMPORARY, and in response to the City's current financial situation. It is not equivalent to job sharing or to permanent-intermittent or permanent part-time positions.
- L. This program will only be in effect for FY 2004, unless otherwise extended at the sole discretion of the City.

SECTION 21. - UNUSUAL CIRCUMSTANCES

In any case where, by reason of unusual circumstances, rigid adherence to the foregoing rules would cause a manifest injustice, the City Manager, on recommendation of the appropriate appointing authority and the Director of Personnel Services, may make such order deviating therefrom, as is in the City Manager's judgment, proper to mitigate the injustice.

SECTION 22. - SALARIES FOR EMPLOYEES IN EXHIBIT 2 - 2.0 WHILE ABSENT DUE TO INJURY IN THE LINE OF DUTY

Effective April 29, 2003, notwithstanding the provisions of FMC Section 2-1515, an employee in the unrepresented management group who sustains an injury or illness in the course and scope of City employment shall receive $66\frac{2}{3}$ percent of full wages and salary from the City, beginning on the fourth calendar day of such absence and continuing thereafter, unless hospitalized on the first day for at least 24 hours or unless the absence exceeds 14 calendar days, in which case the employee shall receive the $66\frac{2}{3}$ percent from the first day. At the employee's option, in the event that pay from the City is not provided during the first three days of absence due to injury, the employee may take sick leave for that period. Except as modified herein, the provisions of FMC Section 2-1515 shall apply.

SECTION 23. - CONFLICTING RESOLUTIONS

Resolution No. 02-219, all amendments thereto, and all other resolutions or parts of resolutions in conflict with this resolution except as such resolutions or parts thereof approve a Memorandum of Understanding, are hereby repealed.

SECTION 24. - EFFECTIVE DATE

This resolution shall become effective and in full force and effect on July 1, 2003.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the ____ day of _____, 2003.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2003

Mayor Approval/No Return: _____, 2003

Mayor Veto: _____, 2003

Council Override Vote: _____, 2003

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: _____
Deputy